

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE THOTTATHIL B.RADHAKRISHNAN

FRIDAY, THE 10TH AUGUST 2007 / 19TH SRAVANA 1929

RP.No. 388 of 2007(T)

AGAINST THE JUDGEMENT IN WPC.31035/2006 Dated 28/02/2007

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REVIEW PETITIONER/PETITIONER IN WP(C):

BABU KURIAKOSE, S/O. LATE P.P. KURIAKOSE,
PALLATHUKUDI VEEDU, ADIMALI.

BY ADV. SRI. THAMPAN THOMAS

RESPONDENTS/RESPONDENTS:

1. THE REVENUE DIVISIONAL OFFICER,
DEVIKULAM.
2. THE VILLAGE OFFICER, PALLIVASAL.
3. NACHIAMMAL, W/O. KATHIRESAN, 18 ROOMS LANE,
MUNNAR P.O, NOW RESIDING AT LAKSHMI CARDAMOM ESTATE
POTHAMEDU, PALLIVASAL VILLAGE.
4. RANGARAJAN, S/O. KATHIRESAN, 18 ROOMS LANE,
MUNNAR P.O, NOW RESIDING AT LAKSHMI CARDAMOM ESTATE
POTHAMEDU, PALLIVASAL VILLAGE.
5. MUTHUKUMAR, S/O. KATHIRESAN, 18 ROOMS LANE,
MUNNAR P.O, NOW RESIDING AT LAKSHMI CARDAMOM ESTATE
POTHAMEDU, PALLIVASAL VILLAGE.
6. KATHIRESAN, 18 ROOMS LANE,
MUNNAR P.O, NOW RESIDING AT LAKSHMI CARDAMOM ESTATE
POTHAMEDU, PALLIVASAL VILLAGE.

BY ADV. SRI. MATHEW JOHN (K) (FOR R3)
SRI. SUJESH MENON. V.B.
GOVERNMENT PLEADER, SMT. SMITHA SUKUMARAN (FOR R1 & R2)

THIS REVIEW PETITION HAVING BEEN FINALLY HEARD
ON 10/08/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

THOTTATHIL B. RADHAKRISHNAN, J.

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R.P.388 of 2007-T in W.P.(C).31035 of 2006-T

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Dated this the 10th day of August, 2007.

JUDGMENT

The review petition is filed by the writ petitioner on the ground that in view of Exts.P10 and P12 produced along with the writ petition, he is entitled to be in possession of the property in question. There is serious opposition to this contention from the contesting respondents, who state that the question as to possession is one in dispute and that should gain attention of the civil court.

2. Leaving aside the aforesaid controversies, after the judgment dated 28-2-2007 was issued transferring three suits from the Munsuff's Court, Devikulam to Sub Court,

Thodupuzha for consideration and disposal along with O.S.No.35/1999, the Munsiff-Magistrate, Devikulam has reported to this Court that O.S.39/1999 has already been disposed of on 20-11-2001. This means that the judgment sought to be reviewed requires to be corrected to that extent. I.A.No.5003/2007 in WP(C).No.31035/2006 seeking such correction has already been allowed on 10-6-2007.

3. In so far as the question of possession is concerned, Exts.P10 and P12 issued by the revenue authorities may be relevant. But since civil suits are pending before the competent courts, it is appropriate that the question of possession gains attention of that court and not of this Court in writ jurisdiction. Under such circumstances, it is clarified that the parties will be entitled to move the civil court to seek appropriate orders on the question of possession and interlocutory orders to govern parties during the pendency of the suits referred to in the judgment dated 28-2-2007.

R.P.388/2007

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With the aforesaid clarifications, this review petition is closed without prejudice.

**THOTTATHIL B. RADHAKRISHNAN,
JUDGE.**

Sha/-